UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

MAR 13 2012

COPY

John Leschinski, Project Engineer
On Call Projects
NYC Transit, Capital Program Management
2 Broadway – 2nd Floor, Room D-265
New York, NY 10004

Re: Request for dry removal of ACM at the MDF Room MTA/NYC Transit facility, 370 Jay Street, Jay Street Station on the F Line; D-3751 Jay Street System – Phase I

Dear Sirs:

The U.S. Environmental Protection Agency (EPA) has reviewed your request dated February 24, 2012 to grant a variance for removal of asbestos-containing material for the above-referenced project. The EPA has authorized operations in the past based on similar procedures that you have outlined in your submittal. The EPA approves of the dry removal procedures for the project at MDF Room MTA/NYC transit facility, 370 Jay Street, Jay Street Station on the F line; D-3751 Jay Street System – Phase I, as outlined by MTA/NYC Transit Authority in the submittal. Pursuant to 40 C.F.R. Part 61.145, EPA hereby authorizes the removal, as identified in your submittal, under the agreed to following conditions:

1. EPA shall receive proper notification as provided by 40 C.F.R. Part 61.145(b). The notification shall indicate that the removal will be performed without the use of water, and reference shall be made to this variance.

2. A separate notification is required for routine maintenance operations that involve the removal of threshold amounts of regulated asbestos-containing materials (RACM). The notification must be submitted according to 40 C.F.R. Part 61.145(b).

3. The EPA has determined that the work practices outlined in the February 24, 2012 request are acceptable alternatives to wetting in controlling asbestos emissions. The work practices in the submittal are included as an Enclosure as conditions of this authorization.

4. A copy of this variance with its Enclosure must be posted at all work areas during abatement activities.

5. This variance is effective until December 31, 2012.

If you have any questions, please contact Robert Fitzpatrick of my staff at (212) 637-3918.

Sincerely,

Dore LaPosta, Director
Division of Enforcement & Compliance Assistance

Enclosure

cc. Samir M. Patel, Project Leader
On Call Projects
NYC Transit, Capital Program Management
2 Broadway – 2nd Floor, Room D-260
New York, NY 10004

New York City Transit
Metropolitan Transportation Authority

February 24, 2012

Mr. Ken Eng
United Stated Environmental Protection Agency
Division of Enforcement and Compliance Assistance
290 Broadway
New York, New York 10007-1866

RE: Request for Dry Removal of Asbestos-Containing Pipe Insulation in Proximity to Energized Communication Cables and Electrical Equipment in MDF Room at MTA/NYC Transit Facilities; D-37571 Jay Street Systems Phase-I

Dear Mr. Eng:

MTA/New York City Transit (NYCT) is petitioning for approval to conduct dry removal of asbestos-containing pipe insulation located at the Garage Level MDF Room at 370 Jay Street in the Borough of Brooklyn. As illustrated in the attached photographs, the pipes are insulated with ACM and surrounded by communication cables and electrical equipments within the MDF Room at 370 Jay Street, Jay Street Station on the F line.

The Communication cables cannot be de-energized without substantially impacting the subway operations and public services. The Communication cables and equipment components remain energized as directed by system operations service requirements and safety concerns. The need to conduct dry removal is inherent and unique to NYCT and the diverse environment in which abatement projects occur. This request is made due to system specific conditions which cause practical difficulties and associated hardships in complying with the full provisions of New York State Industrial Code Rule 56 (amended January 2006 and effective September 5. 2006) and Title 40 of the Code of Federal Regulations (40 CFR Section 61.145).

Due to the hardships presented by these factors associated with conducting asbestos abatement in strict accordance with regulatory provisions, categorical relief is requested from EPA dry removal restrictions and requirements for the securing of electrical systems in the abatement areas:

Citation 1: "Shut down and lock-out of electric power to all work areas. The contractor shall provide temporary power and lighting to ensure safe installation of temporary power sources and equipment used where high humidity and/or water shall be sprayed in accordance with all applicable codes. All power to work areas shall be brought in from outside the area through a ground fault interrupter at the source."

Citation 2 "No dry removal of asbestos containing materials shall be permitted."

To maintain adequate restrictions on abatement contractors and concurrent construction activities, and to facilitate oversight of abatement of any particular project, contractors performing dry removal of ACM will be directed and monitored to conduct abatement in accordance with a strict sequence of work procedures that are specific for the live signal cables and associated equipments found on the subway tracks; these procedures are provided in the attachment to this correspondence and is titled: "Enclosure: Procedures for the Dry Removal of Pipe Insulation Adjacent to Live Communication Cables and Electrical Equipment Inside MDF Room at 370 Jay Street, Jay Street Station in Brooklyn, NY"

Please contact our office as soon as possible in the event that amendments or clarifications are required; as such we thank you for your prompt attention to this matter.

Sincerely,

Prepared by:

Samir M. Patel,
Project Leader, On Call Projects
NYC Transit, Capital Program Management

John Leschinski
Project Engineer, On Call Projects
NYC Transit, Capital Program Management

Enclosure: Procedures for the Dry Removal of Pipe Insulation Adjacent to Live Communication Cables and Electrical Equipment Inside MDF Room at 370 Jay Street, Jay Street Station in Brooklyn, NY

Due to the hardships presented by the de-energizing of communication systems within New York City Transit Project work areas, categorical relief is requested from EPA dry removal restrictions and requirements for the securing of communication cables in the abatement areas:

Citation 1: "Shut down and lock-out of electric power to all work areas. The contractor shall provide temporary power and lighting to ensure safe installation of temporary power sources and equipment used where high humidity and/or water shall be sprayed in accordance with all applicable codes. All power to work areas shall be brought in from outside the area through a ground fault interrupter at the source."

In lieu of complying with this provision, an exemption is requested that is consistent with the allowances described in subsection 7.7 of Part 56 of Title 12 of the Official Compilation of Codes, Rules, and Regulations for the State of New York (12 NYCRR Part 56) whereby electrical systems in or passing through a regulated asbestos abatement work area may stay in operation provided that:

1. All unprotected cables (except low voltage {less than 24 volts},communication and control system cables), panel boxes, electrical equipment and joints in live conduit that run through the regulated work area shall be covered with 3 independent layers of 6 mil fire retardant plastic sheeting with each layer individually duct taped and sealed, and left in place until satisfactory clearance air sampling results are obtained;
2. any energized circuits remaining in the regulated work area will be posted with a minimum 2 inch high lettering warning sign that reads: DANGER LIVE ELECTRICAL – KEEP CLEAR

Citation 2 "No dry removal of asbestos containing materials shall be permitted."

In lieu of complying with this provision, and other corresponding provisions pertaining to the use of amended water, post-stripping wetting, and removal wetting requirements, an exemption is requested that permits the use of water as a cleaning agent or dust control measure in and around regulated work areas having activated electrical equipment. Simultaneous relief will be obtained from the aforementioned 12NYCRR Part 56 on a project-by-project basis as it pertains to dry removal and " adequate wetting" as it is referred to therein in subsections 56-2.1(e), 56-8.4(b), and 56-8.4(c).

Dry removal abatement will be conducted as follows:

1. Removal will be performed in tent enclosures. Removal of pipe insulation will be performed by glove bag methods within the tent enclosure.

2. Background air samples will not be collected; all work areas will be cleared to the more stringent criteria of less than 0.01 fibers per cubic centimeter.

3. Clearance air monitoring of the work area will be conducted in accordance with the following modifications:

a) Air samples will be collected inside the regulated abatement work area during Asbestos Abatement activities until final visual inspection is acceptable. The number of samples collected inside of each individual work area shall be based on the amount of material in the work area. 5 air samples for large work areas, 3 air samples for small work areas and a minimum of 1 air sample shall be collected inside of each minor work area.

The number of air samples collected outside the work area shall be based on the amount of material to be removed for that particular work area. 5 air samples for large work areas, 3 air samples for small work areas and a minimum of 1 air sample shall be collected outside of each minor work area. Common outside the work area air sample shall be collected if a single remote/mobile decontamination unit is utilized for simultaneous abatement of several adjacent regulated work areas.

b) The results of the last set of air samples collected during Asbestos Abatement, including final cleaning and lockdown encapsulation of non-removal surfaces covered with fire-retardant plastic sheeting, will also be used as the clearance air sample criteria.

c) Upon satisfactory visual inspection and provided the airborne fiber concentrations are below 0.01 fibers per cubic centimeter (f/cc), the regulated work area can be dismantled.

d) If results of the last set of inside regulated work area air samples are equal to or greater than 0.01 f/cc, the contractor will continue cleaning of the regulated work area using wet methods with negative air pressure equipment operating. Air samples will be collected inside and outside the regulated abatement work area during the re-cleaning activities and used as the clearance air sampling criteria.

e) If results of the last set of outside regulated work area air samples are equal to or greater than 0.01 f/cc, the contractor will clean-up the surfaces outside the regulated work area using HEPA-vacuums and wet methods. Air samples will be collected outside the regulated abatement work area during the clean-up activities and used as the clearance air sampling criteria.

4. A mobile decontamination system will be used if the site conditions if the site conditions do not allow an attached/remote decontamination system. The mobile decontamination system will be located as close to the work area as possible (examples include but are not limited to entrance(s) to Bus Depots, Subway Stations, etc.). The Decontamination System will be cordoned off with asbestos warning tape and signs. Prior to removal from the job site at the end of each shift, the mobile system will be HEPA vacuumed, wet wiped completely and sealed. The remote and/or mobile decontamination system's shower may be used as an equipment decontamination washroom. Equipment shall be decontaminated only during times when the shower(s) are not being used by personnel.

5. The location of the washroom as required by will be determined by the following site conditions.

   a) If the work area configuration does not allow the washroom to be constructed inside the regulated work area, the washroom will be constructed outside the regulated work area entrance and attached to the existing airlock (changing chamber) used to access the regulated abatement work area.

   b) If a remote airlock (changing chamber) is utilized based on site conditions, the washroom chamber will not be constructed. A waste wash-area will be established inside the work area by placing fire-retardant plastic sheeting on the floor within close proximity to the work area's exit. All waste bags will be wet wiped, hepa-vacuumed and doubled bagged and or be containerized in the wash-area prior to the waste being transferred to the waste container on site. No ACM abatement or cleaning may occur during waste transfer operations.

   c) If a waste container is not on-site prior to the waste transfer, a waste holding shall be constructed. The holding area is to temporarily store the bagged or containerized waste until the waste can be transferred to a waste transport vehicle.

   d) The remote airlock (changing chamber) will be cordoned off with asbestos warning tape and signs.

6. A remote airlock (changing chamber) may be utilized where it is not logistically possible to attach it to the work area (examples include but are not limited to the catwalk space and safety restrictions, active track (third rail and right of way) adjacent to the work area entrance, etc.). It will be positioned in close proximity to the regulated work area (such as but not limited to the closest station platform entrance, inactive section of work site, etc.). Curtained doorway with three layers of overlapping poly will be utilized at the entrance to the each work area. The remote airlock (changing chamber) will be cordoned off with asbestos warning tape and signs. Workers will HEPA vacuum and wet wipe themselves in the work area prior to moving towards the remote airlock (changing chamber).

7. The walkway from the regulated abatement work area to the remote/mobile decontamination unit or next regulated abatement work area will be cordoned off or restricted by certified asbestos workers during use.

8. Negative air units will be exhausted outside the work area into a non-public / normally unoccupied area (no box required). If a non-public / normally unoccupied area is not available the negative air units will be exhausted into a plywood box a minimum of 1' x 1' x 1' with a pre-filter covering the exhaust end into a public / occupied area. The exhaust box will be cordoned off with a tape barrier. An air sample of the negative air exhaust shall be collected in these area(s) and outside of the box.

9. If any debris exists in the surrounding areas, they shall be removed during the pre-cleaning phase and disposed of as asbestos contaminated waste.

10. Preparation requirements:

    1. After all debris clean-up is complete, a tent enclosure will be constructed of two (2) layers of six (6) mil fire retardant plastic sheeting and shall include walls, floors and a ceiling (except for portions of walls, floors, and ceilings that are the removal surfaces) with double folded seams. Seams shall be duct taped airtight and then duct taped flush with the adjacent tent wall. Tents or tent-like structures shall be adequately supported and reinforced to withstand local environmental conditions and the negative pressures developed within them.

    2. The work areas entrances will be sealed between work shifts with a minimum of 2 layer of 6-mil fire retardant plastic sheeting posted with appropriate signage.

    3. Each work area will be cordoned off with asbestos warning tape and signs at a minimum of three-feet from each side and in front of the work area opening. One layer of plastic sheeting will be extended three feet onto the track from the working side of the work area opening.

11. A one (1) hour pre-abatement waiting period and settling/drying time for large projects/work areas and a thirty (30) minute pre-abatement period settling/drying time for small projects/work areas will be observed.

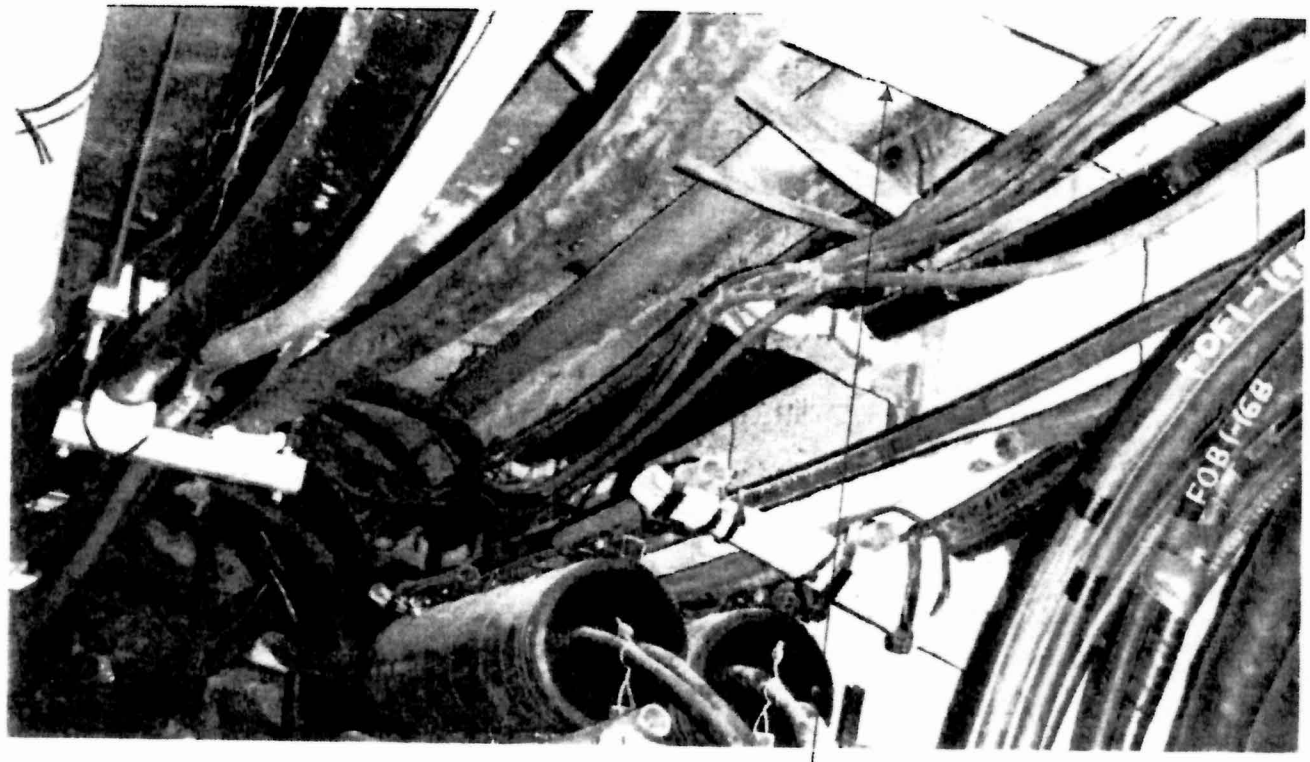
12. All friable ACM and non-ACM that are interconnected will be abated using glovebag procedures.

13. Non-friable ACM (transit panels, duct sleeve, duct seals, wall and/or friable ACM in non-ACM containers, etc.) will be removed intact from the substrate and wrapped in 2 layers of 6-mil fire retardant plastic sheeting.

14. One stage of cleaning of all areas abated will be performed at the conclusion of abatement activities. Additionally, floor plastic sheeting and isolation barriers will also be cleaned if applicable. After the post-abatement cleaning is complete a visual inspection by the project monitor and contractor supervisor shall be performed to confirm that the scope of abatement work is complete, and the area is dry and free of visible debris/residue. If re-cleaning is required an additional visual inspection shall be performed. Additional air samples will be collected during all re-cleaning activities and will be utilized as the clearance air sample criteria. Waiting/settling and drying times will be applicable.

15. A distance of approximately 10 feet will be maintained to restrict the general public from the cordoned off work area during the actual removal of ACM, except in those areas/locations where it is logistically impossible (examples include but are not limited to: adjacent tracks where there is active train traffic or locations where non-certified individuals are required to enter the 10 foot perimeter to gain access to or perform their job tasks, i.e. train/crane operators, track workers, etc.).

MDF ROOM



PIPE INSULATION